

REMARKS

Claims 1-10 are pending.

Claim 1 is amended to include the limitation of Claim 7. Claim 7 is canceled.

No new matter is believed to be added upon entry of the amendment.

Upon entry of the amendment, Claims 1-6 and 8-10 will be active.

The rejection of Claims 1-10 under 35 U.S.C. § 103(a) over the combined disclosures of U.S. Patent Nos. 6,660,442 (US '442) and 6,130,017 (US '017) is respectfully traversed.

Neither US '442 nor any of its patent family members qualify as prior art under any subsection of 35 U.S.C. § 102.

Since it is believed that the disclosure of US '017 does not disclose or suggest all of the elements of the claimed invention, it is kindly requested that the Examiner withdraw this rejection upon consideration of the following facts.

The present application was filed on October 7, 2003, and claims priority to JP 2002-295116 (JP '116), filed in the Japanese Patent Office on October 8, 2002. Applicants file concurrently herewith an English translation of JP '116, and a statement that the English translation of JP '116 is true and accurate.

US '442 belong to a patent family that contains the following four members:

| Publication | Pub. Date | Filed |
|--------------------|------------|------------|
| US 2002/0177059 A1 | 2002-11-28 | 2002-04-03 |
| US 6,660,442 | 2003-12-09 | 2002-04-03 |
| JP 2002-365850 A2 | 2002-12-18 | 2002-03-27 |
| DE 10214708 A1 | 2002-11-14 | 2002-04-03 |

The issue date of US '442 does not antedate the U.S. filing date of the present application, but US '442 is based on an application that was filed on April 3, 2002. Therefore, US '442 may qualify as prior art under 35 U.S.C. § 102(e).

Application No. 10/679,491
Reply to Office Action of July 18, 2005

However, the present invention and US '442 were commonly owned by Kao Corporation at the time the invention of the present application was made. Thus, the present application qualifies for the exemption under 35 U.S.C. §103(c).

The remaining three family members of US '442 have publication dates that antedate the U.S. filing date of the present application, but do not antedate the filing date of the priority document (JP '116) of the present application.

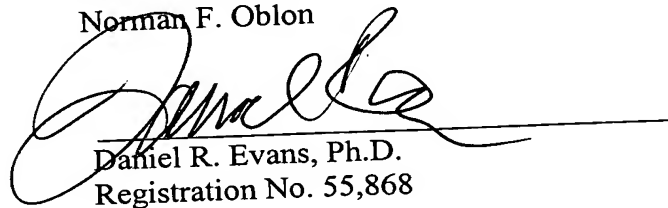
Since Applicants file concurrently herewith an English translation of JP '116 and since the filing date Applicants' priority application (JP '116) antedates the publication dates of the US '442 patent family members, Applicants respectfully request that the Examiner acknowledge Applicants perfection of priority.

Since US '442 may be excluded as prior art under 35 U.S.C. § 103(c) and since none of the patent family members of US '442 qualify as prior art under 35 U.S.C. § 102(a), Applicants respectfully request that the Examiner withdraw this rejection.

It is believed that the present application is now in a condition for allowance. Should the Examiner deem that a personal or telephonic interview would be helpful in advancing this application toward allowance, he is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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